



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2305954
Applicant Name : Danny La
Address of Proposal: 5303 Rainier Avenue S

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of a second story addition to an existing retail sales and service building.

The following approval is required:

SEPA- Environmental Determination
Chapter 25.05 of the Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

This triangular shaped proposal site is approximately 5,770 square feet in area located in a NC-2/R-40 zone. It is bounded to the northeast by Rainier Avenue S, to the south by South

Brandon Street that slopes up towards west, and to the west by 49th Avenue S that slopes up towards south. The proposal site has a 160 linear feet of front lot line on Rainier Avenue S, 135.70 feet of side lot line to the south and 88.50 feet of side lot line to the west. Due to the triangular shape of the proposal site, by development standards in commercial zones, there is no rear lot line. The lot depth is approximately 74 feet measured from the front lot line to the southwest corner of the lot. Rainier Avenue S is a principal arterial improved to City standards with curbs and sidewalk and street trees. S Brandon Street is improved with paved roadway, concrete curbs, planting strip and sidewalks. 49th Avenue S is also improved with paved roadway, concrete curbs, planting strip and sidewalks.

The existing one story commercial structure is located at the southwest portion of the site having a setback approximately three (3) feet from the south and the west street lot lines. The structure's flat roof is at street level with the intersection of 49th Avenue S and S Brandon Street. Due to the difference in grade elevation between South Brandon Street and the site, the cut along the east one-half of street lot line is protected by concrete block retaining wall adjacent to the southeast parking area. The existing paved area for vehicle parking is located at the north and southeast corner of the site along Rainier Avenue S. The parking stalls are not clearly striped. There are existing matured street trees along Rainier Avenue South, but no street trees along 49th Avenue S and S Brandon Street. The north portion of the lot along 49th Avenue S street lot line is covered with overgrown shrubs and slopes down from the street sidewalk to the paved parking area of the site.

The existing structure was built sometime in the early 1950's and was used for an Auto Repair and Radio/TV Sales and Showroom. Subsequent building addition was made in 1957 at the rear portion to accommodate storage for the radio/TV sales. The structure was built with reinforced concrete walls along the south and west building lines, masonry and wood construction along the other exterior walls and roof.

Development in the Vicinity

The zoning to the north and east of the proposal site across Rainier Avenue S is Neighborhood Commercial (NC2/R-40). Directly to the south across S Brandon Street is Multifamily (L2) and then to the west across 42nd Avenue South is Neighborhood Commercial (NC/R-40) with a Multifamily (L1) zone farther west.

The existing development of the properties in the northerly and easterly directions is restaurant, apartment complex, medical services, nursing home and retail sales and services mostly along the Rainier Avenue S. The development to the south is mostly single family dwellings with a few triplexes. Directly to the west there is a religious facility and farther west there are duplexes and single family dwellings. Along Rainier Avenue S to the northwesterly direction, there are commercial establishments such as retail stores, parking lots, a warehouse, private school and a few vacant undeveloped lots.

Proposal Description

The applicant proposes to construct a second floor addition to an existing commercial structure to be used as an accessory storage area for the existing Radio/TV repair shop located at the ground floor. Due to the existing topography of 42nd Avenue S and S Brandon Street, the new addition to the existing structure will only appear to be partially one story at the south and west façade. A stairway access to this storage area shall be provided outside of the existing structure conveniently located near the main entrance to the Radio/TV repair shop. The required parking for the facility will be located on the existing parking area that is to be reconfigured and re-stripped to accommodate the new required number of parking spaces.

Public Comments

The public comment period for this proposal began on February 12, 2004 and ended on April 25, 2004. No comment letter was received during the comment period regarding this proposal. No request for an extension of the comment period was received.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 13, 2004. The information in the checklist, field inspection, project plans and other related documentations, and the experience of the lead agency with the review similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between the codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that “Where City regulations have been adopted to address the environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short Term Impacts

The following temporary or construction impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud trucked onto the streets during construction activities; increased traffic demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources.

Several adopted code and/or ordinances provide mitigation for some of the identified impacts. The Street Use Ordinance requires watering the streets and on-site driveways to suppress dust, on-site washing of trucks and equipment tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for the construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable Codes and Ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Because of the fact that there is a significant amount of building construction activities, additional analysis of noise, air quality and traffic impacts are warranted.

Noise

Noise associated with the building construction and structure framing, truck hauling of materials into/from the site, and construction equipment operation will have adverse impact on the nearby residences, nursing home and other nearby sensitive land uses. Protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts in the nearby uses. Impacts upon nearby uses would be especially adverse in the early morning, in the evening and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Policy (SMC 25.05.675) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to the policy, and because there are residences and other noise-sensitive developments in the vicinity, the applicant will be required to limit the periods of construction to between hours of 7:30 am and 6:00 pm on non-holiday weekdays.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of the fugitive dust to protect the air quality; hydrocarbon emissions from construction vehicles and heavy equipment; and increase suspended particulates from construction activities. Compliance with the PSCAA regulations will mitigate potential adverse short term impacts to the air.

Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal is abutting an arterial street, Rainier Avenue S and traffic impacts resulting from the truck traffic associated with the hauling of construction materials and debris will be of short duration and mitigated by the enforcement of SMC 11.62.

For import building materials or disposal of spoil materials to and from the site, the Code (SMC 11.74) provides that materials hauled in trucks not spilled during transport. The City requires that a minimum of one foot (1') of "freeboard"(area from the level of materials to the top of the

truck container) be provided in loaded, uncovered trucks which minimize the amount of spilled material and dust from the truck bed en-route to and from the site.

Long-term Impacts

Long-term or use-related impacts are anticipated from the proposal that would include the following: increased bulk and scale on the site; increased ambient noise due to increased human activity; increase demand on public services and utilities; increased light and glare; increase energy consumption; increased on street parking demand and increased vehicle traffic. These long-term impacts, although adverse, are not considered significant because they are within the scope of those impacts anticipated by the zoning and relatively minor in scope.

Notwithstanding the determination of non-significance, the following impacts merit more detailed discussions due to their greater importance: height bulk and scale; parking; traffic; and noise.

Height, Bulk and Scale

The proposed project would consist of an addition of a second floor to the existing one story structure. Due to the triangular shape of the lot and the abutting street on all of the lot lines, the addition to the structure is significantly visible on all the north, northeast, south and west directions.

Along Rainier Avenue S from the northeast direction, the structure's front façade is approximately eighty three feet (83') wide and two stories high with the addition. The second floor addition follows the shape of the structure's existing irregular footprint and creates a significantly modulated appearance blending with the other development on the nearby blocks on either side of Rainier Avenue S. The existing structure is also setback at an average of approximately fifteen feet (15') from Rainier Avenue S street margin. From the southerly direction along S Brandon Street, the structure façade will be about one and one-half story high at the east corner and tapers up to one story high at the west corner due to the westerly uphill grade of the street. At the south side of S Brandon Street, all the development which are mostly single family dwelling, are on southerly uphill elevation, thus overlooking the roof of the addition at the proposal site. The façade with the addition along 49th Avenue S will be two story high at the north corner and also tapers up to only one story at the south corner which is the intersection 49th Avenue S and S Brandon Street. The topography to the southwesterly direction is uphill and the existing residential development in the area is also overlooking the proposal site. With all the above existing conditions, the height, bulk and scale impacts of the structure with its addition do not warrant further mitigation.

Parking

There are existing seven (7) parking spaces on the proposal site. Based on the total gross floor area (structure addition included), there is a requirement of nine parking spaces. Since Rainier Avenue S is a major transit street, the transit reduction is applicable and that the resulting

parking requirement is also seven (7). Any spill over, which is expected to be none, if not minimal for the intended use, will be adequately accommodated on the minor streets abutting the site. Therefore, no SEPA policy based conditioning of parking impact is warranted.

Traffic and Transportation

The site is a small triangular block on the west side of a principal arterial (Rainier Avenue S) and also bounded by commercial and residential access streets to the south by S Brandon Street, and to the west by 49th Avenue S. Rainier Avenue S is served by public transportation. The five vehicle trips estimated to be generated by the project will be distributed throughout the nearby street system with a very minor impact to the surrounding intersection. These impacts will not significantly degrade the level of service of any intersection in the vicinity. Compliance with all applicable Codes and Ordinances is adequate to achieve sufficient mitigation of long term impact and no further conditioning is warranted by SEPA.

Other Impacts

Several adopted Codes and Ordinances and other agencies will appropriately mitigate the other use-related adverse impacts by the proposal. Specifically, these are the Seattle Energy Code (long term energy consumption) and the Puget Sound Clean Air Agency (increase airborne emissions). The other impacts not noted here as mitigated by codes, ordinances (increase ambient noise, increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on the file with the responsible department. This constitutes the Threshold Determination and form. The intent of the declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-significance. This proposal has been determined to not have significant adverse impact upon the environment. An EIS is not required under RCW 43.21C030(2).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS

1) The periods of construction are limited to between the hours of 7:30 a.m. and 6:00 p.m. on non-holiday weekdays.

Signature: _____ (signature on file) Date: September 16, 2004
Edgardo R Manlangit, Land Use Planner
Department of Planning and Development
Land Use Services

ERM:bg

I:\MANLANGI\2305954DECa.doc